

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**RONALD GASPARDO and
PAULA BALDWIN,**

Plaintiff,

v.

Case No. 12-C-823

**HALSTED FINANCIAL SERVICES LLC,
OCR LLC, and
LIGHTHOUSE RECOVERY ASSOCIATES LLC,**

Defendants.

DECISION AND ORDER

This Decision and Order addresses two problems in this action. First, the Plaintiffs Ronald Gaspardo and Paula Baldwin (collectively the “Plaintiffs”) failed to respond to the Court’s letter dated December 26, 2012, informing them that the Court’s records did not show that Defendants Halsted Financial Services LLC (“Halsted”) and OCR LLC (“OCR”) had been served as required by Federal Rule of Civil Procedure 4(h). The letter further informed the Plaintiffs that those Defendants could be dismissed for want of prosecution on the Court’s own motion unless the Plaintiffs submitted, within 21 days from the date of the letter, a proof of service showing that service was effected within the time frame prescribed in Rule 4(m), or show that there is good cause for why service has not been made.

Civil Local Rule 41(a) (E.D. Wis.) provides:

Where the plaintiff has not effected service of process within the time required by Fed. R. Civ. P. 4(m), and the defendant has not waived service under Rule 4(d), after 21 days' notice to the attorney of record for the plaintiff, or the plaintiff if pro se, the Court may enter an order dismissing the action without prejudice.

The Plaintiffs have not served either Halsted or OCR. Therefore, the Plaintiffs' action against Halsted and OCR is dismissed for failure to effect service.

Second, with respect to Defendant Lighthouse Recovery Associates LLC ("Lighthouse"), the sole remaining defendant, the docket reflects that service of the summons and Complaint was effected on August 21, 2012, and the answer or other responsive pleading was due on September 11, 2012. To date, Lighthouse has not filed an answer or any other responsive pleading; nor have the Plaintiffs taken any action with respect to Lighthouse.

The Plaintiffs are advised that Civil Local Rule 41(c) (E.D. Wis.) provides:

Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action, the Court may enter an order of dismissal with or without prejudice. Any affected party may petition for reinstatement of the action within 21 days.

No later than the stated deadline, the Plaintiffs must file a letter or other paper advising the Court of the manner in which they intend to proceed as to Lighthouse. Failure to do so will result in dismissal of this action for want of prosecution on the Court's own motion.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

This action against Halsted and OCR is **DISMISSED**; and

No later than February 21, 2013, the Plaintiffs **MUST FILE** a letter or other paper advising the Court of the manner in which they intend to proceed as to Lighthouse.

Dated at Milwaukee, Wisconsin this 31st day of January, 2013.

BY THE COURT



Hon. Rudolph T. Randa
U.S. District Judge